

**MINUTES FOR THE MEETING OF THE ST. CHARLES CITY COUNCIL
MONDAY, DECEMBER 16, 2019 – 7:00 P.M.**

**CITY COUNCIL CHAMBER, CITY OF ST. CHARLES
2 E. MAIN STREET, ST. CHARLES, IL 60174**

1. **Call to Order** at 7pm by Mayor Rogina
2. **Roll Call**
Present –Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
Absent – Stellato, Turner
3. **Invocation** by Ald. Payleitner
4. **Pledge of Allegiance** by Ald. Bessner
5. **Presentations**
 - Promotion of Walter (Chip) Voelsch to Fire Captain of the City of St. Charles Fire Department.
 - Promotion of Michael Pyzyna to Fire Lieutenant of the City of St. Charles Fire Department.
 - Recognize local author, Elizabeth Gerlach, for writing Ben’s Adventures, a book series to honor her son.
6. **Omnibus Vote. Items with an asterisk (*)** are considered to be routine matters and will be enacted by one motion. There will be no separate discussion on these items unless a council member/citizen so requests, in which event the item will be removed from the consent agenda and considered in normal sequence on the agenda.
- *7. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to accept and place on file minutes of the December 2, 2019 Public Hearing concerning passage of the Proposed 2019 Tax Levy for the City of St. Charles.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *8. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to accept and place on file minutes of the December 2, 2019 Public Hearing concerning the passage of the Proposed 2019 Special Service Area Property Tax Levies for the City of St. Charles.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *9.** Motion by Ald. Silkaitis and seconded by Ald. Payleitner to accept and place on file minutes of the regular City Council meeting held December 2, 2019.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *10.** Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve and authorize issuance of vouchers from the Expenditure Approval List for the period of 11/18/2019-12/1/2019 in the amount of \$2,085,349.51.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

I. New Business

- A.** Presentation of possible change in 708 Mental Health Board policy, and solicitation of Council Feedback. Proposal A was selected: "Governments will be considered for funding with other not-for-profit (NFP) agencies and the government applicant may receive 708 Mental Health funding."

Carolyn Waibel – 41 St. Germain Pl, St. Charles, IL

This board assists in funding for mental health and substance abuse. In the past, this board has not funded other government agencies. The past practice has been to not fund these agencies and we want to make specific policy to change this practice. We come to you asking for a change, and policy to guide this board to accept and potentially fund governmental agencies. Our options would be to have these agencies to either directly or indirectly apply for funding. Proposal A would be to have agencies apply directly, this passed 5-2. Proposal B would be to have the not for profit apply and then use the funds in conjunction with the agency, indirectly funding and this passed 7-0.

Rogina – There would be a third option to consider, this would be for the council to retain current policy and not fund at all. That would be their option as well, we can call that option C. That would be no funding, direct or indirect, to a fellow government agency.

Waibel – We come to you because it has not been clear in the past. In 2015, we received legal advice from Mr. McGuirk saying funding could be allowed but with the membership of the board, as it changes yearly, a policy would be suggested. We ask that you the council please put a policy in place for us to follow.

Rogina – It was streamlined directly to the city council because in January you will begin receiving applications and in order to not delay any of your timelines, we have jumped over committee and directly to council.

Waibel – 2021 applications were opened December 10, and due January 15, 2020. We are in our funding timeline and we will have some time open for government agencies, should this be the direction you chose to take. We want to make this as expedited as possible. I'd like Ald. Silkaitis speak to this also.

Silkaitis – I was a no vote on proposal A, I believe the work stoical worker do is very important to all agencies they interact with, I'm not convinced one government agency should be funding another government agency. We should budget for social workers directly from our budget, I believe and same for the Sherriff Department, the Kane County Board should fund their social workers. I think funding should come from within. Further, in our applications, we specify that any agency applying, they need to justify that they are only serving St. Charles residents, this would burden these departments, mostly the Sherriff, to make sure that they monies are only spent servicing St. Charles residents. This would be avoided if this were funding their operation. That was my only objection; I would be in favor of proposal C.

Waibel – Thank you and we spoke in length about this and our discussion within our commission to Ald. Silkaitis's point about continuity within government agencies. Unfortunately that is not the fluidity of the usual funding for mental health, we'd love to see mental health categorized in a sectioned out kind of way, it doesn't work that way currently. This is why we'd like to help where we can. To the point to St. Charles in particular, police and Kane County have engaged in discussion, for example, as well as D303 also, this was to have a percentage of people in the 708 corridor of in the city limits, and we would do the same thing. St. Charles PD would have to know how many of their calls would require this service and what amount was for St. Charles residents. It would be a prorated and adjusted amount for funding, same for the county. This is something that is discussed often.

Vitek – How many, what percentage of applicants received receive funding?

Waibel – Usually, we receive between 15-20 applications and we either fund 100% or 90% sometimes we will fund all but one. We fund almost all applications, occasionally an application is not qualified because it might not be a 501C3, it has to be a not for profit function, and that is why government agency is a policy we would like to create because it doesn't fall in as a not for profit. As long as it fills a need for mental health, developmental disabilities, or substance abuse we would usually fund it to some level.

Vitek – The board vets those applications? They go though the board also?

Waibel – Yes, it is a very lengthy process.

Vitek – The way I see it is, can the policy be worded that health departments, municipalities, and not for profit are eligible for funding?

Waibel – Government agencies wouldn't be limited only to Kane County and St. Charles, they have to have people living in the St. Charles city limits. If someone is receiving funding elsewhere, we wouldn't fund them at 100%.

Lewis – Our 708 money would be supporting St. Charles, if we support government agencies, St. Charles would be asking for the money so we would be supporting ourselves with the money we collect.

Waibel – The Social working is an AID social worker who goes out on calls with the St. Charles PD. They are an independent contracted social worker for St. Charles. It would be different if we were pay-rolling a police officer than a contracted social worker for mental health.

Lewis – Possibly then the St. Charles Police Department could want the 708 Board to fund a police officer?

Waibel – No, I'm saying that is not something we would look at. I'm trying to give you an analogy. The position they are requesting specifically for a third party social worker from AID, a not for profit, if a government agency was asking us to payroll an employee, that is not something we would likely entertain.

Lewis – As it stands now, is this social worker funded by the city? In our budget. Is this social worker working with non-residents?

Waibel – The social worker currently, the calls they are on are 95% residents.

Lewis – What would be some of those calls they deal with outside of the city limits?

Waibel – An example could be someone saying in a hotel in St. Charles but not living here but Deputy Chief Pierce can better answer that.

Deputy Chief Pierce – We are never going to turn anyone away from helping that is what we do. It depends on what the social worker will do. They can simply give them recourses and hand them off to other resources. That is where the 2-3% that we would deal with would be but also we might deal with someone with a significant tie to St. Charles, maybe a divorce situation. A father coming here because his kids are here and he might not be living here but obviously he is on contact with us because he has a stake in St. Charles, that might be an example if an outside resident. It would be limited and would hand them off to someone outside.

Lewis – Question for Ald. Silkaitis, you voted no on proposal A but voted in favor of Proposal B.

Silkaitis – I would like to fund AID and they would use that money to fund the social worker. I don't like how the direct funding to the agencies would go, I voted against A for that reason. I voted for B so that the not for profit is receiving the funds and the police is hiring them. I think in our budget, we should give the police department the funds to source the social worker.

Lewis – My comment is, I think I agree with your line of thinking. I'm not sure we should open that door to all government agencies from all over the county can start requesting some of our 708 money. I have kind of changed my thinking on that as I listen to this conversation.

Silkaitis – I raised that same question also.

Waibel – To Ald. Silkaitis's point, the not for profit would have to produce financials, their board of directors, and a lot of background and if I may talk about our decision making process, we have a rubric that we would be happy to share, that we use.

Bessner – Directly versus indirectly, how easy is it to capture any funds that an applicant already has received?

Waibel – They are required to report their budget and other funding they have received.

Bessner – That is pretty solid?

Waibel – Its usually in their annual report. Unless there is fraudulent work going on within the organization, and I doubt that being in this area.

Payleitner – To you Mr. Mayor, hearing Ald. Silkaitis's concerns, is it really a government agency funding another government agency? Where do the 708 funds come from, it's not from our budget?

Rogina – The 708 funds, I'll be corrected by staff if I'm wrong, these funds come from property tax dollars, by a referendum back in the 80s.

Payleitner – So it's not like it is coming from our budget. I get it and I'm not sure this qualifies as a government agency funding another government agency. Secondly, as it concerns the police department social worker, I see the social workers roll as not so much assisting the citizens of St. Charles but assisting the police department. When we approved it that was my understanding.

Pierce – I would say both, they are assisting us on every call we go to we are solving problems with people and they are another piece of the tool belt we have.

Payleitner – That is my point, they don't go unless you tell them to go.

Pierce – We do a referral. We help and solve for the night and what AID does is they have a 24-hour hotline and even if our social worker isn't working, we can call and have someone within an hour. We normally solve the issue on the spot then we have the referral that goes out from there.

Waibel – I'd like to respectfully caution council, to make sure you are focusing on concept of policy here, not the particular agencies, let's focus on the policy of governing agencies and not just the St. Charles PD, respectfully.

Lemke – Help me understand option C.

Rogina – Option C is to keep things as they are now. Correct me if I'm wrong, but now there are no applications by any governmental agencies to the mental health board at least in the past two or three years.

Lemke – Okay, so why not just keep it the way it is?

Waibel – To your point, the commission in the past, depending on the people on the commission, have flip flopped on yes we can fund, and not we cannot fund, we should, we should not and this is why we want to create a policy for the commission to follow. As a practice in the past, we have not funded government agencies and we want a policy so we can understand and be transparent about the process.

Lewis – Because St. Charles is unique, there are not many 708 boards in this county and in the Tri-Cities, this money collected is only the tax dollars of the St. Charles residents and I do have concern that the other communities who do not have the same means to take care of their citizens might want to request funds from our board and I think it might need to be thought out more and I appreciate that you want to do something for this year's budget but I think it's a conversation that we should keep as is and have more in depth discussion down the road.

Waibel – If I may quell your fears a bit, I know that going to referendum in March is Elgin Township, Dundee Township, and a discussion of a few others in the northern part of the county. Currently, out of the area of north, I think there are seven or eight of them up there, two or three of them are going to referendum, the entire southern part of the county already as 708. To your point, they would have to again, justifying the need for those needs for mental health, substance abuse, and developmental disabilities of St. Charles residents living in their area. That would be difficult to prove, or justify.

Vitek – I'd like to make a motion to approval A, governments would be able to be considered for funding with other not for profit agencies and government applicant may receive 708 Mental Health funding.

Bancroft – Second

Rogina – The motion is proposal A, that governments would be considered for funding with other not for profit agencies and the government applicant may receive 708 Mental Health funding. There is a motion and a second.

Bessner – Does that include monies to be used for St. Charles residents only?

Rogina – That is always the issue, that is always the case. As Ms. Weible has stated here, has something slipped through the cracks here and there? Sure it has, but I think they do a pretty solid job of keeping tabs on that.

Silkaitis – Proposal A, okay we can go with that but here is the problem with the documents and they are only servicing St. Charles residents. That is going to be hard for them to do because they get a lot of people in and this is going to be more paperwork for them, more administrative work, and that means the money is not going to go for the intent of what the mental health board is.

Lewis – I think it will take away from some of the people that they are helping now, that they won't be able to help.

Rogina – Anything further? Knowing there are arguments on both sides, I'll listen very carefully as I count tonight, I know Sharon is doing the same over there. Chuck, call the roll

ROLL CALL VOTE: AYE: Lemke, Bancroft, Vitek, Pietryla, Bessner
NAY: Silkaitis, Payleitner, Lewis
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

II. Committee Reports

A. Government Operations

- *1. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve an **Ordinance 2019-M-46** Adopting an Amended Policy Prohibiting Sexual Harassment.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *2. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve a **Resolution 2019-122** and Amplification Equipment for the 2020 St. Patrick's Day Parade on March 14, 2020.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *3. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve a **Resolution 2019-123** Authorizing the Mayor and City Clerk of the City of St. Charles to approve a Contract with Gartner Consulting for IT research and consulting services for an additional year.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

4. Motion by Ald. Lemke and seconded by Ald. Payleitner to amend, then accept, and place on file minutes from the December 2, 2019 Government Operations Committee meeting.

Item 3a, second paragraph is revised as follows:

In response to a question from Ald. Payleitner, Chief Keegan said that there are no added ramifications from the City of St. Charles for the State identified underage use. He further explained that the violations are not duplicated between the State and the City. St. Charles was made aware of those violations much later and sent letter to the four establishments. The businesses were not cited by the City because that could open us up to liability.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: Stellato, Turner MOTION CARRIED

B. Government Services

- *1. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to accept and place on file the Minutes of the November 25, 2019 Government Services Committee Meeting.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

C. Planning and Development

1. Motion by Ald. Payleitner and seconded by Ald. Lemke to approve a **Resolution 2019-124** Authorizing the Mayor and City Council to Enter Into a Certain Annexation Agreement (Brooke Toria Estates).

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

2. Motion by Ald. Payleitner and seconded by Ald. Bessner to approve an **Ordinance 2019-M-47** Annexing Certain Unincorporated Territory to the City of St. Charles, Illinois (Brooke Toria Estates).

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *3. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to accept and place on file Plan Commission Resolution No. 15-2018 A Resolution Recommending Approval of a Map Amendment, Special Use for Planned Unit Development, PUD Preliminary Plan and Final Plat of Subdivision for Smith Road Estates (V&M Investment and Remodeling Group LLC).

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

3. Motion by Ald. Payleitner and seconded by Ald. Silkaitis to approve an **Ordinance 2019-Z-24** Granting Approval of a Map Amendment, Special Use for Planned Unit Development, PUD Preliminary Plan, and Final Plat of Subdivision for Brooke Toria Estates.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *5. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to accept and place on file Plan Commission Resolution No. 8-2019 A Resolution Recommending Approval of a Special Use to Amend Ordinance 2006-Z-3 (Legacy Business Center PUD) and PUD Preliminary Plan for East Side Retail Center (J. Trisis Holding, LLC).

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *6. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve an **Ordinance 2019-Z-25** Amending Ordinance No. 2006-Z-3 (Legacy Business Center of St. Charles PUD) and Granting Approval of a PUD Preliminary Plan for East Side Retail Center (Legacy Business Center of St. Charles PUD).

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *7. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve an **Ordinance 2019-M-48** Extending the Residential Sprinkler Moratorium until the adoption of the new 2021 codes or December 31, 2021, whichever occurs first.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *8. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to accept and place on file Plan Commission Resolution 24-2019 A Resolution Recommending Approval of an Amendment to Special Use Ordinance No. 2018-Z-34 for Extreme Clean Express Car Wash, 1625 W. Main St. (MKD Enterprises of St. Charles LLC).

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *9. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve an **Ordinance 2019-Z-26** Amending Ordinance 2018-Z-34 and Granting Approval of an Amendment to Special use for Car Wash for Extreme Clean Express Carwash, 1625 W. Main St.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *10. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve a **Resolution 2019-125** Authorizing the Mayor and City Clerk of the City of St. Charles to approve a Plat of Abrogation and Plat of Easement for Extreme Clean Express Car Wash (1625 W. Main St.).

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis

NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *11. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve an **Ordinance 2019-Z-27** granting approval of a Minor Change to PUD Preliminary Plat for Meijer Outlot PUD.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

- *12. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to accept and place on file minutes of the December 9, 2019 Planning & Development Committee meeting.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: Stellato, Turner
ABSTAIN: NONE

MOTION CARRIED

11. Additional Items from Mayor, Council, Staff, or Citizens

A. Executive Session

- Personnel – 5 ILCS 120/2(c)(1)
- Pending Litigation – 5 ILCS 120/2(c)(11)
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

12. Adjournment motion by Ald. Bessner and seconded by Ald. Pietryla at 7:57

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

Charles Amenta, City Clerk

ADA Compliance

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at jmcmahon@stcharlesil.gov. Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).